

THE SUPREME COURT OF MONTANA

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Dear Fellow Montanan:

2002 was an incredibly busy year for the Montana Judiciary! This report is but a meager representation of momentous changes in the Judiciary that took place last year.

The 2001 Legislature passed Senate Bill 176, commonly called the "District Court Assumption" bill. This law moved 275 employees from county to state employment within the Judiciary effective July 1, 2002. Employees affected included judicial assistants, law clerks, juvenile probation officers and others in District Courts and Youth Courts across Montana.

Much of the first half of 2002 was dedicated to making this transition as smooth as possible. Employees were moved from county payroll and retirement systems, office computers were migrated to the state judicial system and the Montana Supreme Court adopted statewide judicial branch personnel and operating policies.

The second half of 2002 witnessed further development of statewide policies and procedures relating to District Court Assumption. In addition, of course, Montana's courts continued to provide the most efficient and fair justice possible to all Montanans having contact with their courts. Much time also was spent preparing for the 2003 Legislative Session and, for the first time in history, the Montana Supreme Court heard a case in Lewistown.

District Court Assumption was just one of the big challenges for the Montana Judiciary in 2002. This 2002 Annual Report documents the ongoing enormous workloads in Montana's courts and the dedication of judicial employees who serve all of you, ensuring that justice in Montana is equal, fair and—to the extent humanly possible—speedy.

I hope you will find this 2002 Annual Report of the Montana Judiciary helpful in understanding your court system.

Sincerely,

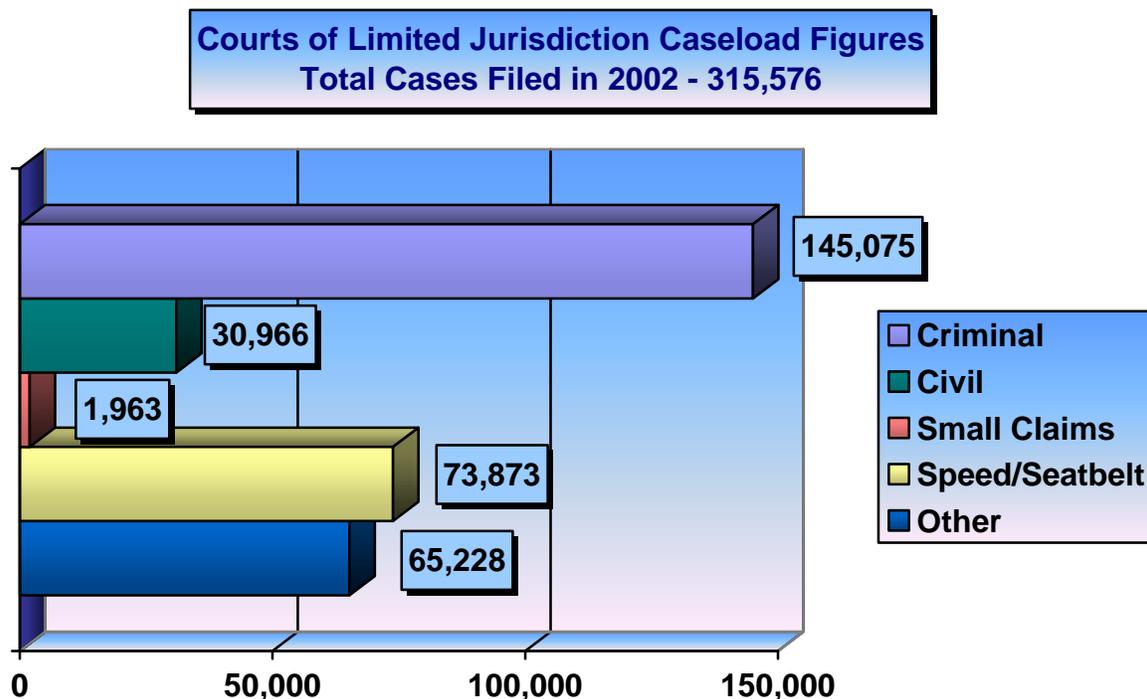

Karla M. Gray
Chief Justice

COURTS OF LIMITED JURISDICTION

The Courts of Limited Jurisdiction in Montana are Justice Courts, City Courts and Municipal Courts. There are 66 Justice Courts, 81 City Courts and 5 Municipal Courts. Although the jurisdiction of these courts differs slightly, collectively they address cases involving misdemeanor offenses, civil cases for amounts up to \$7,000, small claims valued up to \$3,000, landlord/tenant disputes, local ordinances, forcible entry and detainer, protection orders, certain issues involving juveniles, and other matters. The total caseload of these courts is nearly 10 times greater than that of the District Courts in Montana. Courts of Limited Jurisdiction are the courts in which most Montanans seeking justice will encounter the justice system.

Justice and Municipal Court Judges are elected, unless appointed to fill a vacated position. Judges appointed to fill a vacated position must run for the position at the end of the term to which they were appointed. City Court Judges may be elected or appointed. All Limited Jurisdiction Court Judges serve four-year terms. Justice Court and City Court Judges are not required to be attorneys; Municipal Court Judges must be attorneys. In 2002, there were 109 Limited Jurisdiction Court Judges. Numerous judges serve as both Justice of the Peace and City Judges.

All Limited Jurisdiction Court Judges must attend two Supreme Court-supervised training conferences each year and pass a Certification Examination each term. Failure to attend a training conference or pass the examination creates a vacancy in the Judge's office.



**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
BEAVERHEAD	Justice - Dillon	1,575	170	194	15	683	513
	City - Dillon	1,119	375	38	0	227	479
	City - Lima	0	0	0	0	0	0
	<i>SUBTOTAL</i>	2,694	545	232	15	910	992
BIGHORN	Justice - Hardin	4,521	2,382	102	19	1,144	874
	City - Hardin	1,986	1,007	0	0	6	973
	<i>SUBTOTAL</i>	6,507	3,389	102	19	1,150	1,847
BLAINE	Justice - Chinook/Harlem	1,142	78	46	18	605	395
	City - Harlem	124	64	1	0	6	53
	City - Chinook	188	35	0	0	46	107
	<i>SUBTOTAL</i>	1,454	177	47	18	657	555
BROADWATER	Justice - Townsend	1,322	188	109	10	652	363
	City - Townsend	208	71	4	0	7	126
	<i>SUBTOTAL</i>	1,530	259	113	10	659	489
CARBON	Justice - Red Lodge	2,169	6	216	10	804	1,133
	City - Red Lodge	503	0	0	0	120	383
	City - Joliet	124	0	1	0	59	63
	City - Fromberg	162	2	4	0	120	38
	City - Bridger	229	0	2	0	68	159
	<i>SUBTOTAL</i>	3,187	8	223	10	1,171	1,776
CARTER	Justice - Ekalaka	122	85	4	2	19	12
	City - Ekalaka	26	25	1	0	0	0
	<i>SUBTOTAL</i>	148	110	5	2	19	12
CASCADE	Justice - Great Falls	13,476	9,780	3,201	218	277	0
	City - Belt	33	0	0	0	7	26
	City - Cascade	43	36	0	0	7	0
	Municipal - Great Falls	29,051	16,087	417	0	699	11,848
	<i>SUBTOTAL</i>	42,603	25,903	3,618	218	990	11,874
CHOUTEAU	Justice - Big Sandy	108	46	0	0	62	0
	Justice - Fort Benton	1,152	106	68	8	603	367
	City - Fort Benton	137	134	0	0	3	0
	<i>SUBTOTAL</i>	1,397	286	68	8	668	367

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
CUSTER	Justice - Miles City	2,965	773	272	69	1,627	224
	City - Miles City	1,280	937	95	0	101	147
	<i>SUBTOTAL</i>	4,245	1,710	367	69	1,728	371
DANIELS	Justice - Scobey	266	36	14	18	196	2
	City - Scobey	48	32	0	0	8	8
	<i>SUBTOTAL</i>	314	68	14	18	204	10
DAWSON	Justice - Glendive	3,108	91	191	34	2,273	519
	City - Glendive	941	47	15	0	187	692
	<i>SUBTOTAL</i>	4,049	138	206	34	2,460	1,211
DEER LODGE	Both - Anaconda	3,485	329	427	19	1,256	1,454
	<i>SUBTOTAL</i>	3,485	329	427	19	1,256	1,454
FALLON	Justice - Baker	424	22	66	31	180	125
	City - Baker	151	26	0	0	33	92
	<i>SUBTOTAL</i>	575	48	66	31	213	217
FERGUS	Justice - Lewistown	1,660	247	293	49	555	516
	City - Lewistown	1,113	118	0	0	199	796
	<i>SUBTOTAL</i>	2,773	365	293	49	754	1,312
FLATHEAD	Justice - Kalispell	12,313	5,872	2,956	183	2,538	764
	Municipal - Kalispell	6,272	5,985	99	0	188	0
	City - Whitefish	2,533	326	23	0	0	2184
	City - Columbia Falls	2,193	2,153	10	0	30	0
	<i>SUBTOTAL</i>	23,311	14,336	3,088	183	2,756	2,948
GALLATIN	Justice - Bozeman	9,425	5,915	1,669	0	1,841	0
	City - W. Yellowstone	573	298	6	0	49	220
	Municipal - Bozeman	12,055	11,911	144	0	0	0
	City - Three Forks	293	197	0	0	74	22
	City - Belgrade	1,646	1,481	11	0	154	0
	City - Manhattan	205	175	0	0	6	24
	<i>SUBTOTAL</i>	24,197	19,977	1,830	0	2,124	266
GARFIELD	Justice - Jordan	845	2	13	3	544	283
	<i>SUBTOTAL</i>	845	2	13	3	544	283

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
GLACIER	Justice - Cut Bank	1,618	710	114	27	760	7
	City - Cut Bank	639	486	1	0	19	133
	<i>SUBTOTAL</i>	2,257	1,196	115	27	779	140
GOLDEN VALLEY	Justice - Ryegate	450	30	11	3	272	234
	<i>SUBTOTAL</i>	450	30	11	3	272	234
GRANITE	Justice - Philipsburg	714	58	47	4	482	123
	Justice - Drummond	857	3	29	0	478	347
	City - Drummond	82	0	2	0	39	41
	City - Philipsburg	118	32	2	0	69	15
	<i>SUBTOTAL</i>	1,771	93	80	4	1,068	526
HILL	Justice - Havre	3,056	1,621	453	2	962	18
	City - Havre	4,306	3,536	39	0	731	0
	<i>SUBTOTAL</i>	7,362	5,157	492	2	1,693	18
JEFFERSON	Justice - Boulder	3,088	374	179	10	1,665	860
	City - Boulder	394	75	0	0	134	185
	City - Whitehall	27	0	0	56	21	91
	<i>SUBTOTAL</i>	3,509	449	179	66	1,820	1,136
JUDITH BASIN	Justice - Hobson	0	0	0	0	0	0
	Justice - Stanford	1,286	14	23	2	930	317
	<i>SUBTOTAL</i>	1,286	14	23	2	930	317
LAKE	Justice - Polson	2,784	306	654	23	1,617	184
	City - Polson	1,090	282	40	25	699	44
	City - St. Ignatius	104	0	0	0	0	104
	City - Ronan	896	631	4	0	251	10
	<i>SUBTOTAL</i>	4,874	1,219	698	48	2,567	342
LEWIS&CLARK	Justice - Helena	8,267	1,080	1,897	0	1,602	3,688
	City - Helena	11,562	8,498	0	0	2,992	72
	City - East Helena	300	115	0	0	68	117
	<i>SUBTOTAL</i>	20,129	9,693	1,897	0	4,662	3,877
LIBERTY	Justice - Chester	323	242	5	8	65	3
	City - Chester	24	22	2	0	0	0
	<i>SUBTOTAL</i>	347	264	7	8	65	3

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
LINCORN	Justice - Libby	2,662	1,352	271	65	906	68
	Justice - Eureka	872	564	51	42	215	0
	City - Libby	701	602	14	0	71	14
	City - Eureka	121	120	0	0	1	0
	City - Troy	251	193	8	0	50	0
	<i>SUBTOTAL</i>	4,607	2,831	344	107	1,243	82
MADISON	Justice - Virginia City	1,301	33	104	5	506	653
	City - Ennis	91	63	12	0	8	8
	<i>SUBTOTAL</i>	1,392	96	116	5	514	661
MCCONE	Justice - Circle	699	28	28	1	48	594
	City - Circle	7	2	0	0	0	5
	<i>SUBTOTAL</i>	706	30	28	1	48	599
MEAGHER	Justice - WSS	465	233	16	8	200	8
	City - WSS	124	101	0	0	23	0
	<i>SUBTOTAL</i>	589	334	16	8	223	8
MINERAL	Justice - Superior	3,409	305	115	13	1,804	1,172
	City - Superior	178	153	0	0	10	15
	<i>SUBTOTAL</i>	3,587	458	115	13	1,814	1,187
MISSOULA	Justice - Missoula (#610)	7,385	4,027	2,173	86	1,099	0
	Justice - Missoula (#615)	8,260	3,753	1,882	99	2,521	5
	Municipal - Missoula	22,464	4,061	100	0	5,102	13,201
	<i>SUBTOTAL</i>	38,109	11,841	4,155	185	8,722	13,206
MUSSELSHELL	Justice - Roundup	1,093	296	97	13	639	48
	City - Melstone	6	1	0	0	5	0
	City - Roundup	287	189	0	0	665	35
	<i>SUBTOTAL</i>	1,386	486	97	13	1,309	83
PARK	Justice - Livingston	3,240	1,543	346	0	1,195	156
	City - Livingston	974	30	15	0	261	668
	<i>SUBTOTAL</i>	4,214	1,573	361	0	1,456	824
PETROLEUM	Justice & City - Winnett	110	1	3	0	106	0
	<i>SUBTOTAL</i>	110	1	3	0	106	0

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
PHILLIPS	Justice - Malta	737	109	48	0	246	334
	City - Malta	199	86	0	0	9	104
	<i>SUBTOTAL</i>	936	195	48	0	255	438
PONDERA	Justice - Conrad	1,724	159	77	13	1,422	53
	City - Conrad/Valier	603	41	34	0	136	392
	<i>SUBTOTAL</i>	2,327	200	111	13	1,558	445
POWDER RIVER	Justice - Broadus	622	6	11	4	15	586
	City - Broadus	10	0	0	0	0	0
	<i>SUBTOTAL</i>	632	6	11	4	15	586
POWELL	Justice - Deer Lodge	2,233	1,936	297	0	1,022	0
	City - Deer Lodge	569	0	0	0	0	0
	<i>SUBTOTAL</i>	2,802	1,936	297	0	1,022	0
PRAIRIE	Justice - Terry	1,249	8	5	6	1,056	174
	City - Terry	50	2	0	0	26	22
	<i>SUBTOTAL</i>	1,299	10	5	6	1,082	196
RAVALLI	Justice - Hamilton	7,901	800	1,449	44	2,562	3046
	City - Pinesdale	0	0	0	0	0	0
	City - Hamilton	1,578	330	35	0	232	980
	City - Stevensville	577	408	3	0	166	0
	City - Darby	693	348	6	0	339	0
	<i>SUBTOTAL</i>	10,749	1,886	1,493	44	3,299	4,026
RICHLAND	Justice - Sidney	1,870	54	195	58	1,211	352
	City - Fairview	69	56	0	0	9	4
	City - Sidney	627	198	0	0	63	366
	<i>SUBTOTAL</i>	2,566	308	195	58	1,283	722
ROOSEVELT	Justice - Wolf Point	391	169	68	0	154	0
	Justice - Culbertson	1,380	313	17	7	1,043	0
	City - Wolf Point	121	102	0	0	19	0
	City - Poplar						
	City - Culbertson	27	25	0	0	2	0
	<i>SUBTOTAL</i>	1,919	609	85	7	1,218	0

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
ROSEBUD	Justice - Forsyth	1,711	154	137	17	1,111	292
	Justice - Colstrip	183	1	11	0	5	160
	City - Forsyth	135	36	0	0	5	94
	City - Colstrip	183	7	11	0	5	160
	<i>SUBTOTAL</i>	2,212	198	159	17	1,126	706
SANDERS	Justice - Thompson Falls	2,242	271	266	0	1,549	156
	City - Thompson Falls	206	50	0	0	0	156
	City - Plains	324	46	0	0	0	278
	City - Hot Springs	308	39	0	0	0	269
	<i>SUBTOTAL</i>	3,080	406	266	0	1,549	859
SHERIDAN	Justice - Plentywood/Westby	608	522	32	54	367	0
	City - Plentywood	122	92	0	0	6	24
	<i>SUBTOTAL</i>	730	614	32	54	373	24
SILVER BOW	Justice - Butte #205	2,132	105	877	67	699	384
	Justice - Butte #210	3,776	103	884	59	778	1,952
	City - Butte	5,475	4,152	0	0	990	333
	<i>SUBTOTAL</i>	11,383	4,360	1,761	126	2,467	2,669
STILLWATER	Justice - Columbus	2,537	619	214	34	1,519	151
	City - Columbus	497	340	0	0	130	27
	<i>SUBTOTAL</i>	3,034	959	214	34	1,649	178
SWEET GRASS	Justice - Big Timber	1,602	88	87	16	830	581
	City - Big Timber	237	0	0	0	15	222
	<i>SUBTOTAL</i>	1,839	88	87	16	845	803
TETON	Justice - Chouteau	1,814	99	87	36	564	1,028
	City - Chouteau	203	42	0	0	24	137
	City - Dutton	0	0	0	0	0	0
	City - Fairfield	0	0	0	0	0	0
	<i>SUBTOTAL</i>	2,017	141	87	36	588	1,165
TOOLE	Justice - Shelby	2,330	249	178	12	887	1,004
	City - Shelby	389	10	0	0	11	368
	<i>SUBTOTAL</i>	2,719	259	178	12	898	1,372

**COURTS OF LIMITED JURISDICTION
CASE FILINGS BY COUNTY
2002**

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT	OTHER
TREASURE	Justice - Hysham	769	41	16	2	537	173
	City - Hysham	84	31	24	0	5	24
	<i>SUBTOTAL</i>	853	72	40	2	542	197
VALLEY	Justice - Glasgow	1,350	35	13	39	1,061	84
	City - Glasgow	630	563	2	0	65	0
	City - Nashua	0	0	0	0	0	0
	City - Fort Peck	0	0	0	0	0	0
	<i>SUBTOTAL</i>	1,980	598	15	39	1,126	84
WHEATLAND	Justice - Harlowtown	646	21	33	16	412	164
	City - Harlowtown	93	1	0	0	10	82
	<i>SUBTOTAL</i>	739	22	33	16	422	246
WIBAUX	Justice - Wibaux	361	168	12	2	179	0
	City - Wibaux	80	80	0	0	0	0
	<i>SUBTOTAL</i>	441	248	12	2	179	0
YELLOWSTONE	Justice - Billings	9,214	3,756	2,989	145	1,727	597
	Justice - Billings	9,094	3,714	2,982	134	1,701	563
	City - Laurel	2,249	1,321	22	0	781	125
	Municipal - Billings	20,763	19,754	395	0	614	0
	<i>SUBTOTAL</i>	41,320	28,545	6,388	279	4,823	1,285
<i>TOTAL</i>		315,576	145,075	30,966	1,963	73,873	65,228

DISTRICT COURTS AND SPECIAL JURISDICTION COURTS

There are 56 District Courts in Montana. These courts are administratively structured into 22 judicial districts and were served by 40 District Court Judges in 2002. A judge for the Eighth Judicial District in Cascade County and 1 for the Twenty-First Judicial District in Ravalli County were approved by the 2001 Legislature. The new Judges were elected in 2002 and took office in January of 2003.

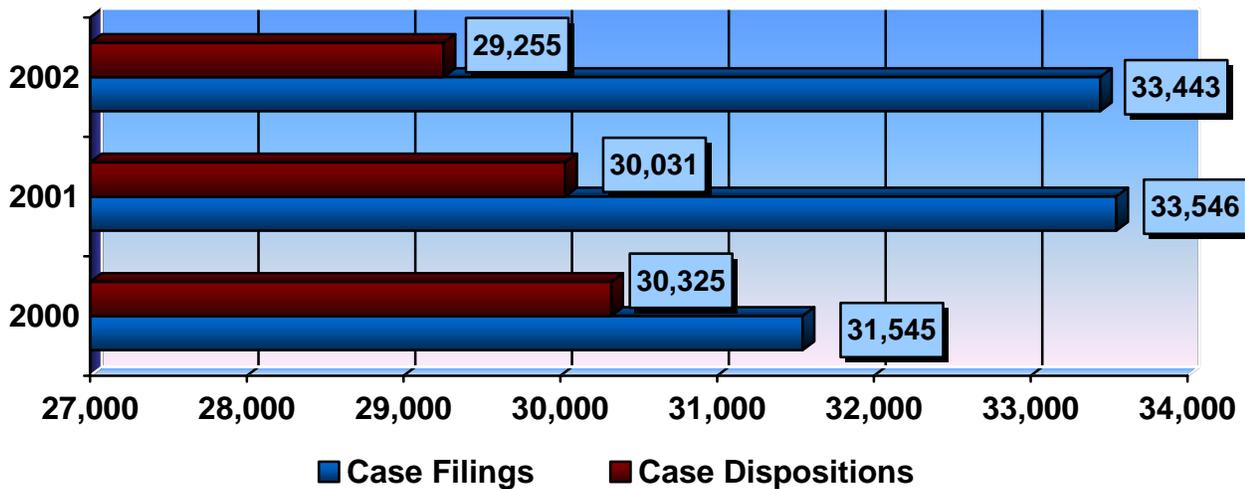
The District Courts are courts of general jurisdiction. General jurisdiction courts process all felony cases, all probate cases, most civil cases at law and in equity, certain special actions and proceedings, all civil actions that may result in a finding against the state for the payment of money, naturalization proceedings, various writs, and some narrowly-defined ballot issues. The District Courts also have limited appellate jurisdiction over cases arising in the Courts of Limited Jurisdiction in their respective districts as may be prescribed by law and consistent with the Constitution.

Judicial District	District Judges	District Court Clerks	Counties In District	Area in Sq. Miles	*Pop.
1	Thomas C. Honzel Dorothy McCarter Jeffrey M. Sherlock	Judy R. Gillespie Nancy Sweeney	Broadwater Lewis & Clark	4,669	60,551
2	Kurt Krueger John W. Whelan	Lori Maloney	Silver Bow	715	33,604
3	Ted L. Mizner	Susan McNeil Beverly L. Kulaski Sharon Applegate	Deer Lodge Granite Powell	4,888	19,146
4	Douglas G. Harkin John S. Henson John W. Larson Edward P. McLean	Cheryle L. Demmon Kathleen D. Breuer	Mineral Missoula	3,834	100,146
5	Loren Tucker	Sheila Brunkhorst Marilyn M. Craft Bundy K. Bailey	Beaverhead Jefferson Madison	10,731	26,433
6	William Nels Swandal	June Little Deanna Novotny	Park Sweet Grass	4,466	19,271
7	Richard A. Simonton Richard G. Phillips	Ardelle Adams Trudy Kirkegard Lisa Kimmet Arlene Riggs Michael W. Schneider	Dawson McCone Prairie Richland Wibaux	9,676	22,386
8	Julie Macek Thomas M. McKittrick Kenneth R. Neill	Nancy J. Morton	Cascade	2,661	79,298
9	Marc G. Buyske	Diane D. Anderson Anita Vandolah Emile Kimmet Sandra Peers	Glacier Pondera Teton Toole	8,853	31,008
10	E. Wayne Phillips	Phyllis D. Smith Julie Anderson Mary Brindley	Fergus Judith Basin Petroleum	7,777	14,461
11	Katherine R. Curtis Ted O. Lypus Stewart Stadler	Peg L. Allison	Flathead	5,137	76,269
12	John Warner	Larry R. Stollfuss Dena Tippets Anne Seidlitz-Melton	Chouteau Hill Liberty	8,293	24,301

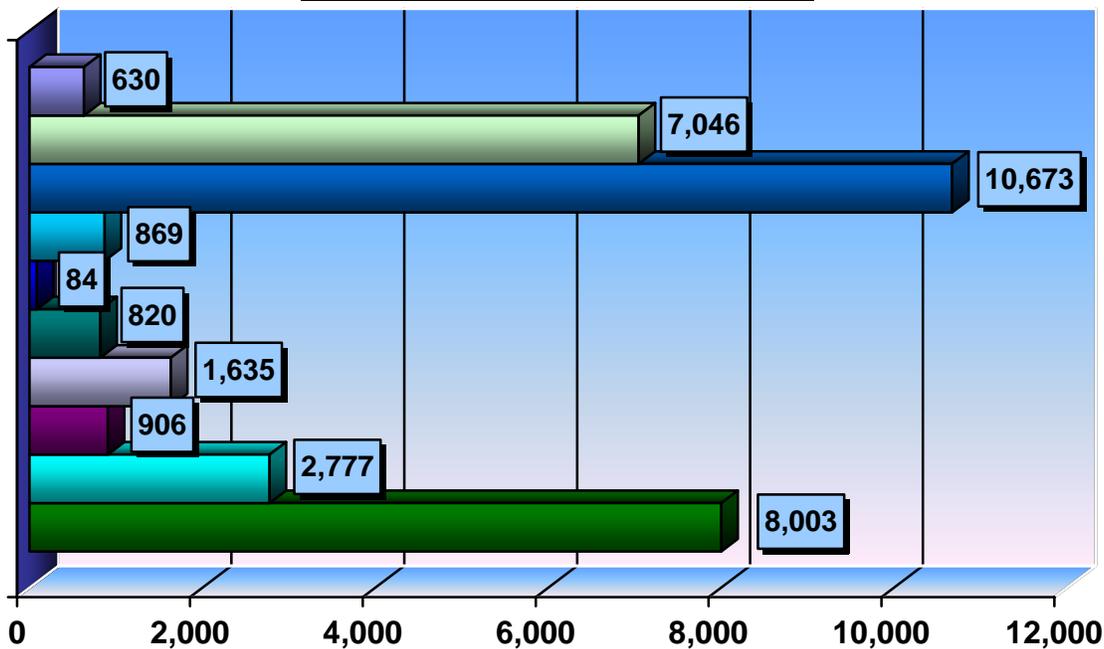
Judicial District	District Judges	District Court Clerks	Counties In District	Area in Sq. Miles	*Pop.
13	Diane G. Barz G. Todd Baugh Russell C. Fagg Gregory R. Todd Susan P. Watters	Jean A. Thompson	Yellowstone	2,642	130,398
14	Randal I. Spaulding	Kathleen Ott Joyce Wofford Connie Mattfield Janet Hill	Golden Valley Meagher Musselshell Wheatland	6,837	9,560
15	David Cybulski	Patricia McDonnell Patricia A. Stennes Cheryl A. Olson	Daniels Roosevelt Sheridan	5,501	16,499
16	Joe L. Hegel Gary L. Day	Carole Carey Bernice Matthews Jerrie Newell Connie Nielsen Aletta Shannon Marilyn Hollister Ruth Baker	Carter Custer Fallon Garfield Powder River Rosebud Treasure	22,480	28,659
17	John C. McKeon	Kay O'Brien Johnson Frances M. Webb Patricia A. Hill	Blaine Phillips Valley	14,499	18,814
18	Michael Salvagni Mark Guenther	Lorraine Van Ausdol	Gallatin	2,517	69,422
19	Michael C. Prezeau	Nadine Pival	Lincoln	3,714	18,664
20	C.B. McNeil Deborah Kim Christopher	Katherine E. Pedersen Dianne Rummel	Lake Sanders	4,268	37,347
21	Jeffrey H. Langton	Debbie Harmon	Ravalli	2,382	37,304
22	Blair Jones	Janice Heath Gayle M. Strausburg Jean Bare	Big Horn Carbon Stillwater	8,883	30,892

*Population Estimates by District as of July 1, 2001. The 2002 population estimates will not be available until May 2003.

District Court Caseload Figures



District Court Case Filings - 2002



- Adoption
- Criminal
- Civil
- Mentally Ill/Developmentally Disabled
- Paternity
- Guardianship/Conservatorship
- Juvenile
- Abused/Neglected Children
- Probate
- Domestic Relations

DISTRICT COURT
CASE FILINGS BY JUDICIAL DISTRICT AND COUNTY
2002

JUDICIAL DISTRICT	COUNTY	ADOPTION	CRIMINAL	CIVIL	MENTALLY ILL/ DEV. DISABLED	PATERNITY	GUARD/ CONSERV.	JUVENILE	ABS./NEG. CHILDREN	PROBATE	DOMESTIC RELATIONS	2002 TOTALS	2001 TOTALS	DIFFERENCE
1	BROADWATER	4	35	36	0	0	5	6	3	14	24	127	205	-78
	LEWIS AND CLARK	42	608	1,103	72	1	55	252	42	129	1,017	3,321	3,495	-174
	Subtotal	46	643	1,139	72	1	60	258	45	143	1,041	3,448	3,700	-252
2	SILVER BOW	31	253	332	86	0	41	98	121	116	271	1,349	1,257	92
	Subtotal	31	253	332	86	0	41	98	121	116	271	1,349	1,257	92
3	DEER LODGE	6	83	99	214	0	33	18	7	45	79	584	559	25
	GRANITE	1	5	32	0	0	5	2	0	10	6	61	66	-5
	POWELL	1	97	87	5	0	5	19	6	24	22	266	231	35
	Subtotal	8	185	218	219	0	43	39	13	79	107	911	856	55
4	MINERAL	5	46	41	0	2	0	12	8	8	24	146	146	0
	MISSOULA	57	487	1,275	74	1	112	84	27	211	748	3,076	3,157	-81
	Subtotal	62	533	1,316	74	3	112	96	35	219	772	3,222	3,303	-81
5	BEAVERHEAD	6	77	78	8	0	13	15	3	30	57	287	267	20
	JEFFERSON	7	74	94	4	0	9	20	13	28	35	284	259	25
	MADISON	4	41	73	2	2	8	7	6	46	45	234	169	65
	Subtotal	17	192	245	14	2	30	42	22	104	137	805	695	110
6	PARK	11	137	238	25	0	18	14	14	57	117	631	562	-69
	SWEET GRASS	1	15	26	0	1	0	1	3	11	23	81	100	19
	Subtotal	12	152	264	25	1	18	15	17	68	140	712	662	-50
7	DAWSON	2	81	45	10	1	6	21	8	46	53	273	236	37
	MCCONE	0	8	11	0	0	0	5	0	6	4	34	30	4
	PRAIRIE	0	3	7	0	0	0	0	0	11	3	24	28	-4
	RICHLAND	8	27	89	8	3	5	4	1	62	67	274	275	-1
	WIBAUX	0	5	7	0	0	0	0	0	7	3	22	31	-9
	Subtotal	10	124	159	18	4	11	30	9	132	130	627	600	27
8	CASCADE	61	953	1,352	27	15	62	172	134	269	976	4,021	3,972	49
	Subtotal	61	953	1,352	27	15	62	172	134	269	976	4,021	3,972	49
9	GLACIER	3	79	71	2	0	4	10	5	20	40	234	301	-67
	PONDERA	5	32	48	2	0	6	3	4	20	48	168	165	3
	TETON	1	30	21	0	0	2	1	7	21	12	95	97	-2
	TOOLE	4	42	72	3	0	4	16	4	30	28	203	193	10
	Subtotal	13	183	212	7	0	16	30	20	91	128	700	756	-56
10	FERGUS	23	79	130	7	0	25	24	36	46	95	465	487	-22
	JUDITH BASIN	0	10	11	0	0	0	0	0	13	10	44	58	-14
	PETROLEUM	0	1	3	0	0	0	0	0	8	2	14	2	12
	Subtotal	23	90	144	7	0	25	24	36	67	107	523	547	-24
11	FLATHEAD	53	600	875	58	4	79	114	57	191	732	2,763	2,830	-67
	Subtotal	53	600	875	58	4	79	114	57	191	732	2,763	2,830	-67
12	CHOUTEAU	1	19	43	0	0	3	3	3	34	12	118	140	-22
	HILL	8	211	149	13	0	13	57	25	69	162	707	713	-6
	LIBERTY	1	2	9	1	0	2	1	1	13	4	34	32	2
	Subtotal	10	232	201	14	0	18	61	29	116	178	859	885	-26
13	YELLOWSTONE	121	1,257	1,449	159	35	105	268	154	327	1,452	5,327	5,299	28
	Subtotal	121	1,257	1,449	159	35	105	268	154	327	1,452	5,327	5,299	28
14	GOLDEN VALLEY	1	8	5	0	0	0	2	0	3	5	24	16	8
	MEAGHER	1	6	17	1	0	3	2	1	13	6	50	46	4
	MUSSELSHELL	3	17	64	1	0	4	14	2	29	37	171	181	-10
	WHEATLAND	4	10	15	0	0	0	0	1	12	15	57	64	-7
	Subtotal	9	41	101	2	0	7	18	4	57	63	302	307	-5
15	DANIELS	3	5	30	0	0	1	8	0	21	11	79	64	15
	ROOSEVELT	2	11	57	2	0	4	12	2	49	29	168	174	-6
	SHERIDAN	2	8	32	1	1	0	6	1	44	17	112	131	-19
	Subtotal	7	24	119	3	1	5	26	3	114	57	359	369	-10
	16	CARTER	1	4	5	0	1	3	0	11	0	0	25	29
CUSTER		9	93	128	7	9	21	19	34	49	97	466	429	37
FALLON		3	22	20	0	0	0	1	7	16	17	86	96	-10
GARFIELD		0	2	6	0	0	0	1	1	10	6	26	36	-10
POWDER RIVER		0	12	4	0	0	2	1	0	13	3	35	38	-3
ROSEBUD		2	54	74	0	1	3	9	16	22	55	236	248	-12
TREASURE		0	13	10	0	0	0	2	0	6	4	35	35	0
Subtotal		15	200	247	7	11	29	33	69	116	182	909	911	-2
17	BLAINE	2	19	40	4	0	4	9	2	26	23	129	159	-30
	PHILLIPS	5	16	47	0	0	6	7	0	33	18	132	115	17
	VALLEY	2	23	68	1	1	4	7	1	37	39	183	171	12
Subtotal	9	58	155	5	1	14	23	3	96	80	444	445	-1	
18	GALLATIN	41	446	802	34	2	42	73	28	156	609	2,233	2,057	176
	Subtotal	41	446	802	34	2	42	73	28	156	609	2,233	2,057	176
19	LINCOLN	13	203	183	11	1	10	45	39	55	233	793	934	-141
	Subtotal	13	203	183	11	1	10	45	39	55	233	793	934	-141
20	LAKE	15	208	273	2	0	17	24	20	76	207	842	836	6
	SANDERS	6	42	111	4	0	9	7	4	28	78	289	315	-26
	Subtotal	21	250	384	6	0	26	31	24	104	285	1,131	1,151	-20
21	RAVALLI	32	291	518	11	1	47	112	15	79	249	1,355	1,326	29
	Subtotal	32	291	518	11	1	47	112	15	79	249	1,355	1,326	29
22	BIG HORN	2	77	90	7	2	4	18	21	19	26	266	235	31
	CARBON	5	26	93	3	0	12	3	7	40	25	214	231	-17
	STILLWATER	9	33	75	0	0	4	6	1	19	23	170	218	-48
	Subtotal	16	136	258	10	2	20	27	29	78	74	650	684	-34
STATEWIDE TOTAL		630	7,046	10,673	869	84	820	1,635	906	2,777	8,003	33,443	33,546	-103

**DISTRICT COURT
CASE DISPOSITIONS BY JUDICIAL DISTRICT AND COUNTY
2002**

JUDICIAL DISTRICT	COUNTY	ADOPTION	CRIMINAL	CIVIL	MENTALLY ILL/ DEV. DISABLED	PATERNITY	GUARD/ CONSERV.	JUVENILE	ABS./NEG. CHILDREN	PROBATE	DOMESTIC RELATIONS	2002 TOTALS	2001 TOTALS
1	BROADWATER	2	18	13	0	0	0	0	1	6	7	47	140
	LEWIS AND CLARK Subtotal	48	568	972	85	3	33	209	37	177	963	3,095	3,116
2	SILVER BOW	28	221	241	79	2	34	84	131	87	240	1,147	1,188
	Subtotal	28	221	241	79	2	34	84	131	87	240	1,147	1,188
3	DEER LODGE	1	84	72	199	0	4	4	3	23	66	456	440
	GRANITE	3	6	22	0	0	0	2	0	9	7	49	43
	POWELL	1	64	85	3	0	1	18	2	23	23	220	192
	Subtotal	5	154	179	202	0	5	24	5	55	96	725	675
4	MINERAL	4	38	33	0	0	2	6	5	12	24	124	135
	MISSOULA	43	365	1,125	63	3	65	67	25	170	672	2,598	2,748
	Subtotal	47	403	1,158	63	3	67	73	30	182	696	2,722	2,883
5	BEAVERHEAD	6	72	71	8	0	5	5	4	50	42	263	254
	JEFFERSON	5	81	89	7	0	7	13	13	21	46	282	196
	MADISON	4	31	72	1	1	4	6	3	38	35	195	164
	Subtotal	15	184	232	16	1	16	24	20	109	123	740	614
6	PARK	23	96	194	25	0	1	9	13	48	116	525	523
	SWEET GRASS	4	13	20	0	0	0	3	0	16	23	79	101
	Subtotal	27	109	214	25	0	1	12	13	64	139	604	624
7	DAWSON	1	87	40	10	0	7	16	6	42	49	258	200
	MCCONE	0	4	8	0	0	0	5	0	4	4	25	22
	PRAIRIE	0	2	7	0	0	0	0	0	7	1	17	24
	RICHLAND	8	31	94	6	3	7	6	2	81	76	314	251
	WIBAUX	0	4	14	0	0	0	0	0	12	4	34	40
	Subtotal	9	128	163	16	3	14	27	8	146	134	648	537
8	CASCADE	48	527	1,072	17	13	14	140	75	213	556	2,675	2,988
	Subtotal	48	527	1,072	17	13	14	140	75	213	556	2,675	2,988
9	GLACIER	3	85	122	2	0	18	9	5	28	50	322	298
	PONDERA	7	27	32	2	0	4	5	3	26	39	145	180
	TETON	1	12	15	0	0	2	1	6	16	12	65	104
	TOOLE	5	55	31	3	0	4	19	4	31	19	171	132
	Subtotal	16	179	200	7	0	28	34	18	101	120	703	714
10	FERGUS	11	112	135	5	1	18	19	27	56	98	482	397
	JUDITH BASIN	2	13	14	2	0	0	3	4	9	14	61	51
	PETROLEUM	0	1	8	1	0	0	0	0	1	2	13	3
	Subtotal	13	126	157	8	1	18	22	31	66	114	556	451
11	FLATHEAD	53	310	787	55	5	71	81	68	161	684	2,275	2,694
	Subtotal	53	310	787	55	5	71	81	68	161	684	2,275	2,694
12	CHOUTEAU	1	17	37	0	1	1	3	6	23	14	103	122
	HILL	10	175	132	13	0	7	53	24	63	163	640	659
	LIBERTY	0	3	8	1	0	2	0	0	14	5	33	27
Subtotal	11	195	177	14	1	10	56	30	100	182	776	808	
13	YELLOWSTONE	109	1,393	1,364	158	21	50	373	213	285	1,360	5,326	5,412
	Subtotal	109	1,393	1,364	158	21	50	373	213	285	1,360	5,326	5,412
14	GOLDEN VALLEY	1	2	4	0	0	0	2	0	3	3	15	8
	MEAGHER	0	7	21	0	0	0	4	0	3	7	42	42
	MUSSELSHELL	3	32	52	0	0	0	15	8	23	25	158	116
	WHEATLAND	2	13	15	0	0	1	2	2	10	14	59	52
	Subtotal	6	54	92	0	0	1	23	10	39	49	274	218
15	DANIELS	3	5	19	0	0	12	4	0	23	12	78	63
	ROOSEVELT	1	8	40	0	0	1	11	2	43	25	131	194
	SHERIDAN	2	15	24	2	0	0	17	2	42	12	116	116
	Subtotal	6	28	83	2	0	13	32	4	108	49	325	373
	16	CARTER	1	0	3	0	0	0	0	0	12	1	17
CUSTER		7	96	130	7	9	17	20	30	49	100	465	408
FALLON		3	12	12	0	0	0	1	7	22	12	69	89
GARFIELD		0	4	2	0	0	1	0	1	16	4	28	19
POWDER RIVER		0	9	4	0	0	3	1	0	9	7	33	33
ROSEBUD		1	65	56	0	1	1	7	8	14	39	192	227
TREASURE		0	14	10	0	0	0	3	0	4	6	37	23
Subtotal		12	200	217	7	10	22	32	46	126	169	841	828
17	BLAINE	4	17	39	3	0	2	13	1	33	21	133	155
	PHILLIPS	3	13	33	0	0	0	8	0	37	10	104	116
	VALLEY	0	8	55	2	0	1	3	5	35	48	157	164
	Subtotal	7	38	127	5	0	3	24	6	105	79	394	435
18	GALLATIN	35	407	566	23	1	12	59	15	109	490	1,717	1,614
	Subtotal	35	407	566	23	1	12	59	15	109	490	1,717	1,614
19	LINCOLN	12	192	155	11	1	5	46	36	47	208	713	589
	Subtotal	12	192	155	11	1	5	46	36	47	208	713	589
20	LAKE	15	235	254	1	0	6	33	22	64	195	825	821
	SANDERS	12	34	106	1	0	4	2	6	29	66	260	250
	Subtotal	27	269	360	2	0	10	35	28	93	261	1,085	1,071
21	RAVALLI	33	268	521	8	2	12	110	14	54	233	1,255	1,411
	Subtotal	33	268	521	8	2	12	110	14	54	233	1,255	1,411
22	BIG HORN	2	74	92	5	3	7	7	17	24	30	261	242
	CARBON	3	31	74	3	0	3	4	4	34	32	188	193
	STILLWATER	6	30	77	0	0	2	3	1	25	19	163	213
	Subtotal	11	135	243	8	3	12	14	22	83	81	612	648
STATEWIDE TOTAL		580	6,106	9,293	811	70	451	1,534	861	2,516	7,033	29,255	30,031

**AVERAGE NUMBER OF DISTRICT COURT CASE FILINGS PER JUDGE
BY JUDICIAL DISTRICT - 2002**

Judicial District	Number of Judges	2002 Case Filings Per Judge (40)	Rank of Case Filings Per Judge	2001 Case Filings Per Judge (40)
1	3	1,149	3	1,233
2	2	674	14	628
3	1	911	7	856
4	4	805	9	825
5	1	805	10	695
6	1	712	12	662
7	2	313	21	300
8	3	1,340	2	1,324
9	1	700	13	756
10	1	523	17	547
11	3	921	6	943
12	1	859	8	885
13	5	1,065	5	1,060
14	1	302	22	307
15	1	359	20	369
16	2	454	18	455
17	1	444	19	445
18	2	1,116	4	1,028
19	1	793	11	934
20	2	565	16	575
21	1	1,355	1	1,326
22	1	650	15	684
TOTAL	40	420	NA	421

**AVERAGE NUMBER OF DISTRICT COURT CASE DISPOSITIONS PER JUDGE
BY JUDICIAL DISTRICT - 2002**

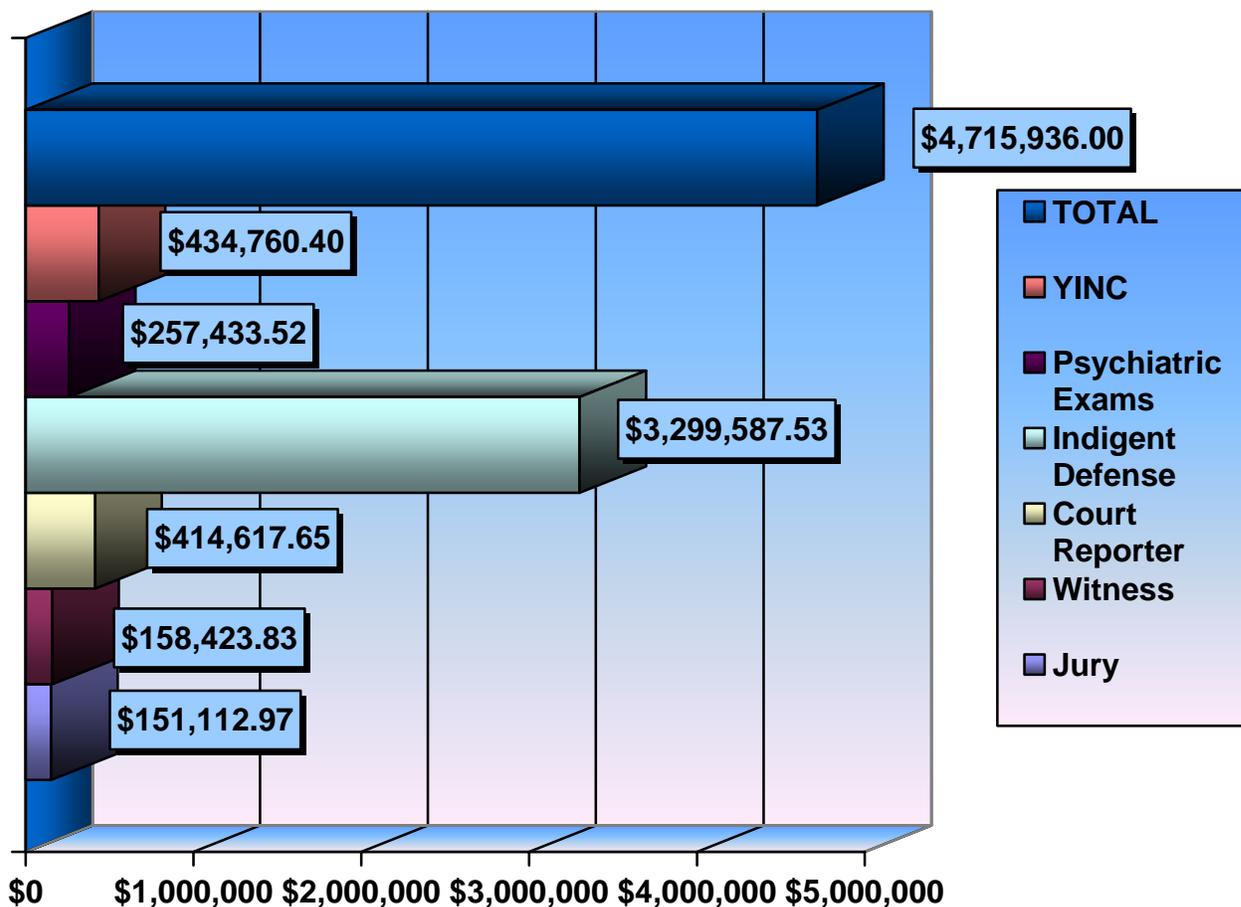
Judicial District	Number of Judges	2002 Case Dispositions Per Judge	Rank of Case Dispositions Per Judge	2001 Case Dispositions Per Judge
1	3	1,047	3	1,085
2	2	574	15	594
3	1	725	9	675
4	4	681	12	721
5	1	740	8	614
6	1	604	14	624
7	2	324	21	269
8	3	892	4	996
9	1	703	11	714
10	1	556	16	451
11	3	758	7	898
12	1	776	6	808
13	5	1,065	2	1,082
14	1	274	22	218
15	1	325	20	373
16	2	421	18	414
17	1	394	19	435
18	2	859	5	807
19	1	713	10	589
20	2	543	17	536
21	1	1,255	1	1,411
22	1	648	13	648
TOTAL	40	372	NA	374

District Court Criminal Reimbursement Program

On July 1, 1985, the Office of the Court Administrator of the Montana Supreme Court began administering the District Court Criminal Reimbursement Program (DCCRP). Funds were derived from a percentage of motor vehicle taxes and were applied to the following District Court expenses related to criminal felony cases: jury fees, witness fees, a percentage of court reporter salaries, transcripts, indigent defense and psychiatric examinations.

The 57th legislature passed Senate Bill 176 mandating the state assumption of district court expenses on July 1, 2002, terminating the District Court Criminal Reimbursement Program effective June 30, 2002. The Counties were reimbursed for their FY 2002 reimbursement expenses through June 30, 2002.

**District Court Criminal Reimbursement Program
Amount Distributed By Category in 2002**



DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM

AMOUNT DISTRIBUTED BY COUNTY

July 1, 2001 - June 30, 2002

County	Jury Services	Witness Services	Court Reporter Services	Indigent Defense	Psychiatric Examinations	Youth In Need Of Care	TOTAL	% OF TOTAL
BEAVERHEAD	0.00	0.00	2,632.47	21,323.90	1,600.00	660.00	26,216.37	0.0056
BIG HORN	6,368.61	1,335.74	4,835.37	35,010.72	2,920.00	12,786.19	63,256.63	0.0134
BLAINE	22.91	0.00	3,276.87	21,256.39	0.00	880.00	25,436.17	0.0054
BROADWATER	965.06	327.33	1,901.04	18,186.00	0.00	741.96	22,121.39	0.0047
CARBON	0.00	22.90	4,626.74	21,085.18	828.00	2,647.59	29,210.41	0.0062
CARTER	0.00	0.00	858.98	155.49	0.00	0.00	1,014.47	0.0002
CASCADE	21,303.70	22,161.46	31,960.99	553,117.24	62,392.98	47,535.89	738,472.26	0.1566
CHOUTEAU	173.74	320.00	2,152.24	5,046.35	640.00	557.33	8,889.66	0.0019
CUSTER	1,101.52	806.00	13,483.87	50,751.49	5,781.93	8,763.02	80,687.83	0.0171
DANIELS	0.00	0.00	646.69	0.00	0.00	0.00	646.69	0.0001
DAWSON	274.59	3,595.12	9,371.75	134,036.28	0.00	4,055.94	151,333.68	0.0321
DEER LODGE	1,267.99	0.00	2,359.40	38,991.13	2,133.02	2,456.09	47,207.63	0.0100
FALLON	791.14	109.15	2,572.14	15,559.20	1,069.60	828.66	20,929.89	0.0044
FERGUS	3,516.36	3,534.84	10,709.87	48,397.22	2,836.85	8,451.07	77,446.21	0.0164
FLATHEAD	9,833.42	31,993.52	23,428.15	182,474.66	8,842.55	16,182.28	272,754.58	0.0578
GALLATIN	13,056.06	42,613.27	19,428.28	159,968.61	24,940.32	41,138.18	301,144.72	0.0639
GARFIELD	0.00	0.00	929.39	4,165.42	0.00	0.00	5,094.81	0.0011
GLACIER	1,319.68	707.90	5,720.52	44,331.60	450.00	1,026.66	53,556.36	0.0114
GOLDEN VALLEY	0.00	60.03	668.84	3,104.43	0.00	1,100.00	4,933.30	0.0010
GRANITE	2,060.08	1,284.46	380.55	1,373.71	0.00	27.90	5,126.70	0.0011
HILL	5,559.76	3,350.02	12,060.19	111,747.94	12,627.40	11,740.81	157,086.12	0.0333
JEFFERSON	243.93	1,127.04	4,790.62	22,160.76	5,266.72	857.99	34,447.06	0.0073
JUDITH BASIN	926.13	0.00	896.38	12,991.32	0.00	440.00	15,253.83	0.0032
LAKE	5,223.26	1,732.06	17,612.33	109,139.79	12,440.84	6,734.07	152,882.35	0.0324
LEWIS & CLARK	5,394.80	9,853.96	24,790.13	165,515.69	12,914.82	10,623.77	229,093.17	0.0486
LIBERTY	0.00	0.00	698.78	310.87	0.00	0.00	1,009.65	0.0002
LINCOLN	9,540.64	2,930.22	5,553.99	63,742.38	5,147.42	12,520.51	99,435.16	0.0211
MCCONE	0.00	0.00	1,073.90	1,163.71	0.00	0.00	2,237.61	0.0005
MADISON	0.00	59.62	2,033.22	12,086.19	0.00	880.00	15,059.03	0.0032
MEAGHER	0.00	0.00	1,039.74	17,650.93	0.00	660.00	19,350.67	0.0041
MINERAL	2,300.57	1,350.06	1,339.48	19,948.49	6,667.38	4,922.50	36,528.48	0.0077
MISSOULA	13,737.02	4,552.45	36,776.11	270,645.81	28,570.81	32,581.50	386,863.70	0.0820
MUSSELSHELL	3,245.16	1,799.12	5,004.13	56,101.57	1,956.84	3,159.20	71,266.02	0.0151
PARK	527.70	0.00	9,986.50	56,433.67	5,115.06	6,800.79	78,863.72	0.0167
PETROLEUM	0.00	0.00	228.60	498.50	0.00	0.00	727.10	0.0002
PHILLIPS	0.00	0.00	2,885.27	10,836.53	0.00	1,664.28	15,386.08	0.0033
PONDERA	735.15	0.00	2,652.09	15,468.25	100.00	440.00	19,395.49	0.0041
POWDER RIVER	28.92	0.00	1,089.68	2,199.17	0.00	0.00	3,317.77	0.0007
POWELL	3,368.70	0.00	1,065.50	17,218.37	1,933.52	255.08	23,841.17	0.0051
PRAIRIE	0.00	0.00	536.98	0.00	0.00	0.00	536.98	0.0001
RAVALLI	4,276.52	912.90	6,141.29	50,616.35	2,501.20	10,487.54	74,935.80	0.0159
RICHLAND	51.68	0.00	5,925.86	6,907.55	640.00	1,293.68	14,818.77	0.0031
ROOSEVELT	1,409.64	0.00	2,255.19	9,078.25	0.00	557.33	13,300.41	0.0028
ROSEBUD	0.00	0.00	6,390.78	18,872.26	2,920.00	1,670.24	29,853.28	0.0063
SANDERS	8,471.37	2,842.61	7,609.33	35,216.84	1,017.20	2,420.57	57,577.92	0.0122
SHERIDAN	0.00	160.00	1,115.75	16,998.15	8,789.58	0.00	27,063.48	0.0057
SILVER BOW	318.18	0.00	24,924.13	112,275.92	14,737.25	12,821.74	165,077.22	0.0350
STILLWATER	1,596.39	1,482.44	3,693.80	18,922.90	0.00	440.00	26,135.53	0.0055
SWEET GRASS	0.00	0.00	1,791.24	4,512.14	0.00	932.95	7,236.33	0.0015
TETON	1,444.74	76.79	1,942.83	6,878.54	0.00	1,075.79	11,418.69	0.0024
TOOLE	0.00	0.00	3,137.00	23,446.78	1,259.92	234.66	28,078.36	0.0060
TREASURE	57.03	422.64	633.05	4,296.33	280.00	0.00	5,689.05	0.0012
VALLEY	2,228.90	298.30	4,333.62	21,796.03	3,440.00	2,978.64	35,075.49	0.0074
WHEATLAND	0.00	0.00	1,904.85	15,752.96	988.00	220.00	18,865.81	0.0040
WIBAUX	0.00	0.00	1,546.36	0.00	0.00	0.00	1,546.36	0.0003
YELLOWSTONE	18,371.92	16,601.88	67,214.80	629,821.57	13,684.41	155,508.00	901,202.58	0.1911
TOTALS	151,112.97	158,423.83	414,617.65	3,299,587.53	257,433.62	434,760.40	4,715,936.00	1

Workers Compensation Court

The Legislature created the Workers' Compensation Court (WCC) in 1975 to provide an efficient and effective forum for the resolution of disputes arising under the Workers' Compensation Act and the Occupational Disease Act. Subsequent Legislatures have increased the WCC's exclusive jurisdiction to include matters such as disputes involving independent contractor exemptions and reemployment preferences. The WCC conducts trials statewide and decides requests for judicial review from final orders of the Montana Department of Labor and Industry. Decisions of the WCC may be appealed directly to the Supreme Court.

The WCC Judge serves a six-year term and is appointed by the Governor from a list of applicants submitted by the Judicial Nomination Commission. The qualifications for a WCC Judge are the same as those for District Court Judges. The WCC is attached to the Montana Department of Labor and Industry for administrative purposes only.

Water Court

Montana's Water Court was created by the 1979 Legislature to expedite and facilitate the statewide adjudication of over 219,000 state law-based water rights (generally rights with a pre-July 1973 priority date) and federal and Indian reserved water rights claims. The Water Court has exclusive jurisdiction over the adjudication of water rights claims.

A Chief Water Judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nomination Commission. A water judge is also designated for each of Montana's four major water divisions by a majority vote of a committee composed of the District Court Judge from each single-judge judicial district and the Chief District Judge from each multiple-judge judicial district, wholly or partly within each division. Special Masters are appointed by the Chief Water Judge to assist the water judges.

The adjudication of federal and Indian reserved water rights claims is suspended until July 1, 2009, while the State of Montana and federal and tribal authorities negotiate reserved water right compacts. Nine compacts have been negotiated and approved by the Montana Legislature. Seven of these compacts have been submitted to the Water Court for approval. Three have been approved and four are awaiting resolution.

The Water Court has issued 55 decrees in 53 of Montana's 85 hydrological drainage basins. These decrees involve 123,890 claims for existing water rights. The Water Court's most active basins are in the (1) Clark Fork River above the Blackfoot River; (2) Ruby River; (3) Bitterroot River, North, South and West side; (4) Missouri River above Holter Dam; (5) Yellowstone River between the Clarks Fork of the Yellowstone and the Big Horn Rivers; and (6) Clarks Fork of the Yellowstone River.

The Water Court is also assisting the District Courts in the Fourteenth and Eighteenth Judicial Districts to enforce portions of the Water Court decrees.

MONTANA SUPREME COURT

The Montana Supreme Court is comprised of the Chief Justice and six Justices. All are elected on a statewide, nonpartisan basis for eight-year terms. Pursuant to the Montana Constitution, the Supreme Court has jurisdiction over appeals from all of Montana's District Courts. By statute, appeals from the Workers' Compensation Court and the Water Court also proceed directly to the Supreme Court. The Supreme Court is the final arbiter on questions of Montana law.

The Montana Constitution also gives the Supreme Court original jurisdiction to hear and determine writs, such as for habeas corpus, and applications for supervisory control over District Court actions not yet final or ready for a regular appeal. The Supreme Court's jurisdiction extends to attorney discipline, rules governing appellate procedure and practice, procedure for the state's other courts, and other matters.

Clerk of the Supreme Court

The Clerk of the Supreme Court is one of Montana's statewide elected officials in the Judicial Branch of government. The current clerk, Ed Smith of Helena who is serving his third term, is the nineteenth person to hold the office. Established in 1865, the office conducts the business of the Court, and serves as the liaison between the public, attorneys and the Supreme Court. By statutory authority, the Clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the Court. Additionally the Clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's 3,700 attorneys.

2002 Supreme Court Caseload Statistics

Filings carried over from 2001	582	Dispositions by Remittitur in 2001	343
New Civil Filings	472	Dispositions by Dismissal in 2001	210
New Criminal Filings	<u>326</u>	Dispositions - Writ Denied	180
		Dispositions - Writ Granted	23
		Dispositions - Other	<u>37</u>
<u>Total New Filings</u>	<u>793</u>	<u>Total Dispositions</u>	<u>793</u>

Office of the Court Administrator

The Montana Legislature authorized the establishment of the Office of the Court Administrator (OCA) in 1977. The Court Administrator is the administrative officer of the Supreme Court. Under the direction of the Supreme Court Justices, the Court Administrator is required by statute to:

- Prepare and present the Judicial Branch budget to the Legislature;

- Collect, compile, and report statistical and other data relating to the business transacted by the courts, and provide the information to the Legislature on request;
- Recommend improvements in the Judicial Branch to the Supreme Court;
- Administer state funding for District Courts; and
- Perform other duties assigned by the Supreme Court.

The OCA provides centralized services to courts through five primary divisions: Administrative Services, Court Services, Information Technology, Human Resources, and Dependent Children's Services.

Administrative Services Division

The Administrative Services Division oversees budget and finance, accounting, procurement, facilities management, legislative liaison, and public information.

Court Services Division

The Court Services Division provides technical assistance to courts and juvenile probation offices; directs various management programs for Montana Courts including the Court Assessment Program (CAP), Citizen Review Board (CRB) Program, Court Appointed Special Advocate/Guardian ad Litem (CASA/GAL) Program, and the Grant Program.

Information Technology Division

The Information Technology Division manages court automation and technology projects, installs hardware, provides software application and user support, and maintains existing networks. Division employees support and maintain the District Court Judicial Case Management System (JCMS), the Limited Jurisdiction Case Management System (LJCMS), and the recently deployed Full Court case management program for Justice, City and Municipal Courts.

Human Resources Division

The Human Resources Division develops and oversees management of the Judicial Branch Personnel Plan including recruitment and selection, classification and compensation, benefits, education and training, and employee performance and evaluation. The Division also manages judicial education including supporting and managing training for the courts of limited jurisdiction. In 2002, the Division completed the development of the Judicial Branch's pay plan, personnel policies and successfully managed the transfer of 275 employees from counties to the state Judicial Branch.

Court Assessment Program

The Court Assessment Program was established in 1995. Program staff assess the court processes in handling child abuse and neglect cases, make recommendations based on those assessments, and implement changes to improve the system for children and families involved in these cases.

In 2002, CAP staff worked to enact child welfare laws to support the rights of children and parents, helped develop family drug courts in the Tenth and Thirteenth Judicial Districts and collaborated on the District Court video conferencing pilot project in Miles City.

Citizen Review Board

Citizen Review Boards were created during the 1993 Legislative Session. Statutory authority provides for independent reviews to be conducted by community based volunteer boards that are trained in issues of child welfare. The volunteer board members are appointed by the District Court Judges.

As mandated by law, each child in foster care must receive a six-month review to make sure they are placed in a “forever home” in a timely manner.

Review hearings provide independent oversight of children in foster care and provide judges with another perspective on the case.

The Volunteers

Twelve review boards with 55 full time board members and 26 alternate members are currently in existence throughout five judicial districts, which include Missoula, Helena, Butte, Bozeman and Great Falls.

Between 7/1/2000 and 6/30/2002, volunteers donated 4,681 hours of their time to review the cases of children in foster care. In addition, they spent 3424 hours preparing for the reviews. The value to the State for their services is **\$121,575** (8105 hours x \$15 per hour).

Paramount Concern

The child's safety must always be the paramount concern when making service provisions and placement and permanency planning decisions.

Statistics

During fiscal year 2001, 1,176 reviews were conducted on 667 children. In fiscal year 2002, 1,166 reviews were held reviewing 696 children's cases.

On June 30, 2002, there were 512 open cases being reviewed by Citizen Review Boards. Out of these 342 (67%) had been in out of home care for more than 15 out of

the past 22 months. Comparing this to the 83% of the open cases on June 30, 2000, the current figures show an improvement in reaching permanency more quickly for children.

Because of recent legislative changes and departmental policies, the review boards are seeing an increase in children placed in kinship care.

In comparing the statistics of children who only had one entry into the system with statistics from two years ago, we find a 3.2% increase, which indicates that children are achieving permanency with fewer placements.

CASA/GAL

The Court Appointed Special Advocate/Guardian ad Litem program provides support to local CASA/GAL offices throughout the state. Program staff work to improve the representation of children involved in abuse and neglect proceedings.

State Law Library

The mission of the Montana State Law Library is to provide access to legal information at the time and in the format that best serves the research needs, responsibilities, and concerns of Montana's courts, legislature, state officers and employees, members of the practicing bar, and members of the general public. A Board of Trustees comprised of the 7 Supreme Court Justices governs the Law Library.

The Library's 2002 statistics closely parallel those of the previous year: 3,400 books circulated, and 32,400 books were reshelfed within the Library. The volume of photocopy requests, however, rose by 66% to 46, 845 pages. This reflects the growing demand for forms by customers of the state's district courts and the 540 requests for copies of our legislative histories, which alone accounted for nearly 25,000 pages. In fiscal year 2002 5, 800 volumes were added to the collection, and 2,020 withdrawn, for a new volume count of 155,895.

Discussing volume count does not take into consideration the print titles that have been replaced with electronic access. When a publisher no longer provides hard copy of a work, but only online access, the Law Library still has to pay the same price but no longer owns the work. Some well known titles that we now have available only through online access include the *Standard Federal Tax Reporter*, *Environmental Law Reporter*, and *Shepard's Citations*. The implications for the user for this trend remain to be seen. We do not know yet if someone will use material if it cannot be checked out from the Law Library. Most electronic licenses to legal texts have fee structures that are prohibitive for providing desktop access to computers outside of the Justice Building.

The Law Library's web site continues to be heavily used, with more than 5000 hits each month. An average number of 650 items are scanned and added each month. Presentations have been made on how to access the materials on the web site during training for judges of the limited jurisdiction and district courts and at a continuing legal education seminar for attorneys. The new Montana Courts website has also been previewed for these groups.

In 2002 the Library entered into a contract with other libraries in western Montana to develop a shared online catalog of holdings. The vendor selected by the consortium, represented by public, academic, school, and special libraries, was SIRSI. The migration from the Library's old system to the new integrated system has not been easy. Compromises had to be made with the other members of the consortium, and a lot of training for all members of the staff was required to learn the nuances of SIRSI's IBistro. The public interface, which customers use from the Internet, allows researchers to see reviews of new titles. The Montana Shared Catalog provides true resource sharing among the libraries that have, or will, join the consortium. In these tight economic times the State Law Library does everything it can to extend it's resources and services to the citizens of the state in the most frugal way possible.

Boards and Commissions

The Supreme Court is responsible for a variety of matters involving rule making and oversight of the administration of justice in Montana. These needs and obligations are met in part, through various Boards and Commissions. These groups include the Sentence Review Division, Commission on Practice, Commission on Courts of Limited Jurisdiction, Judicial Standards Commission, Commission on Unauthorized Practice, Commission on Self-Represented Litigants, and Gender Fairness Commission.

The Supreme Court also has established other Commissions and Committees including the Board of Bar Examiners, Commission on Character and Fitness, Commission on Rules of Evidence, Commission on Civil Jury Instruction Guidelines, Commission on Criminal Jury Instructions, Commission on Continuing Legal Education, and the Task Force on Equal Justice.

Sentence Review Division

The Sentence Review Division (Division) of the Supreme Court is comprised of three District Court judges appointed by the Chief Justice of the Supreme Court for three-year terms.

Individuals sentenced to the Montana State Prison, the Montana Women's Prison or to the Department of Corrections (DOC) for one year or more, wherein they are actually taken into custody, may request a review of the sentence they received from a District Court.

The Division meets four times a year in Deer Lodge at the Montana State Prison and twice a year in Billings at the Montana Women's Prison. The 2002 members were: Honorable David Cybulski, Chairman; Honorable Katherine R. Curtis, and Honorable Marc G. Buyske.

In 2002, the Division received a total of 129 Applications for Review of Sentence. Of the sentences reviewed, 52 were affirmed; 8 were decreased; 4 were increased; and 3 were remanded to district court for clarification. Of the remaining applications, 51 were dismissed upon request of the defendant; 6 were continued; and 5 were held in abeyance pending the outcome of an appeal.

Commission on Practice

The Supreme Court created the Commission on Practice in 1965 to review complaints alleging unethical conduct by Montana attorneys and, when appropriate, to make recommendations to the Supreme Court for attorney discipline. The Commission also is responsible for reporting on the merits of petitions for reinstatement to the practice of law.

The Commission is currently comprised of eight attorney members appointed by the Supreme Court, following an election by attorneys in specific areas of the state, and three lay members appointed by the Supreme Court. Members serve four-year terms.

2002 COP Caseload Statistics

Complaints Pending as of December 31, 2001	103
New Complaints Filed	<u>119</u>
Total	<u>222</u>

Disposition of Complaints:

Complaints Dismissed	144
Written Private Admonishment	5
Private Oral Admonishment	11
Public Censure	1
Suspension of License	3
Disbarment	0
Reinstatement Hearings	<u>1</u>
Total	<u>164</u>

Complaints Pending as of December 31, 2002 58

Commission on Courts of Limited Jurisdiction

The Commission on Courts of Limited Jurisdiction was created by order of the Montana Supreme Court. The Commission identifies educational needs and supervises programs that result in judge certification.

Membership is comprised of six limited jurisdiction court judges, a district court judge, a representative of a city and a county government, the president of the limited jurisdiction court clerks' association, and a member of the State Bar of Montana. Members are appointed by the Supreme Court and serve staggered four-year terms. Members may serve more than one term. The OCA provides staff support to the Commission.

The Commission provides two mandatory education conferences each year for the Judges of the Courts of Limited Jurisdiction. It also provides certification testing every four years and Judges must receive a passing score to remain in office.

As funds are available, the Commission sponsors intensive, two-week judicial institutes at the University of Montana School of Law. It also produces and distributes uniform reference books addressing all aspects of judicial practice for the Limited Jurisdiction Judges.

Finally, the Commission plans and supervises an annual conference for clerks of limited jurisdiction courts and publishes a clerks' manual.

Judicial Standards Commission

Montana's Judicial Standards Commission was created by amendment to the State Constitution in 1973 to provide for the censure, suspension, or removal of a judicial officer. The Commission is composed of two district court judges elected by the district court judges; one attorney appointed by the Supreme Court, and two members of the public appointed by the Governor.

Members of the 2002 Commission were: Hon. Ed McLean, Chairman; Victor Valgenti, Esq., Vice Chairman; Barbara Evans, Patty Jo Henthorn, and the Hon. John Warner. All members serve a four-year term.

<u>2002 JSC Caseload Statistics</u>		<u>Disposition of Complaints:</u>	
Complaints Pending		Complaints Dismissed	20
as of December 31, 2001	6	Admonition	0
New Complaints Filed	<u>43</u>	Private Reprimand	0
		Public Reprimand	0
Total	<u>49</u>	Censure	0
		Suspension	0
		Removed from Bench	0
		Permanent Removal	0
		Closed without action – Retirement	1
		Closed	<u>2</u>
		Total	<u>23</u>
		Complaints Pending	
		as of December 31, 2002	<u>26</u>

Commission on Unauthorized Practice

The Commission on Unauthorized Practice investigates complaints filed against a person who is allegedly practicing law without a license. The Commission has been directed by the Supreme Court to make recommendations, which will eliminate the problems associated with the unauthorized practice of law. It is comprised of four attorneys, four lay people and one who may be either an attorney or a layperson. All members are appointed by the Supreme Court for three-year terms.

Commission on Self-Represented Litigants

The Commission on Self-Represented Litigants was created in April of 2000 by order of the Supreme Court. The Commission was created to develop and implement effective ways to assist self-represented litigants.

The Commission is working to develop court-approved forms that are user friendly and accessible to the public. This process is an effort to ensure that citizens have meaningful access and an opportunity to be heard in Montana courts. The Commission focuses on ways to provide assistance to litigants so that no one is denied justice.

Gender Fairness Commission

In 1990, the Montana Supreme Court created a Gender Fairness Task Force to research and report issues of gender fairness in the legal and court communities. The task force issued its final report, containing recommendations to promote gender fairness in the justice system.

In 2000, the Supreme Court established a Gender Fairness Commission to implement the recommendations in the task force report. The members are Judge Dorothy McCarter; Michael S. Lahr, Esq.; Shelly A. Hopkins, University of Montana Law School; Justice of the Peace Audrey Brown; Elizabeth Nedrow, Esq.; and Bonnie Bowler and Carol Graham, lay members.

Judicial Nomination Commission

The Judicial Nomination Commission provides the Governor a list of qualified candidates for appointment to fill vacancies on the Supreme Court, District Courts and the Workers' Compensation Court. The Commission also provides the Chief Justice a list of qualified candidates for appointment to fill the position of Chief Water Court Judge.

The Commission is comprised of seven members, which include four lay people appointed by the Governor, two attorneys appointed by the Supreme Court and one District Court Judge elected by the District Court Judges. Commission members serve four-year terms and are not eligible to apply for judicial office during their terms or for one year thereafter.

Office of Disciplinary Counsel

The Office of Disciplinary Counsel (ODC) is part of a comprehensive lawyer regulation system established by the Montana Supreme Court. Effective July 1, 2002, the system consists of ODC and the Commission on Practice (COP). ODC performs central intake functions and processes, investigates and prosecutes complaints against lawyers that are within the jurisdiction of the Court. COP hears and decides the complaints and, in appropriate cases, makes recommendations to the Court for discipline. COP and ODC are under the direct supervision of the Montana Supreme Court. There are nine lawyers and five non-lawyers on the COP. The Court appoints both the lawyer and the non-lawyer members of COP.

Number of Complaints

From July 1 through December 31, 2002, ODC opened files on 133 new matters involving allegations of attorney misconduct. Based upon the fact that there are about 2,600 active in-state lawyers, and while some lawyers were subject to multiple complaints, complaints averaged about one for every 19 lawyers over the six-month period. However, this statistic does not accurately reflect client satisfaction. If each of Montana's 2,600 active in-state lawyers represented only 10 clients in the second half of 2002 (an unrealistically low figure), less than one-half of one percent of those 26,000

lawyer-client relationships resulted in a complaint, or nearly 99.5 percent did not file a complaint. Moreover, not all complaints allege unethical conduct by an attorney. Some complaints included non-disciplinary matters such as fee disputes, negligence and ineffective assistance of counsel.

The number of complaints received in 2002 appears to be in line with historical data from the COP when it was responsible for intake.

Cases in Inventory

By Supreme Court Order, ODC was not responsible for any COP complaints in inventory prior to July 1, 2002.

Of the 133 new complaints that were received, ODC completed intake and investigation and made reports and recommendations on 57 cases (including 6 supplemental reviews or appeals) to the COP over the course of the two COP meetings held during the six-month period (September and November 2002 meetings). Of those 57 cases, 44 files were closed. At the end of the year, 89 cases remained open and pending, nearly all of them less than 120 days old.

The 89 cases in inventory included 4 pending formal prosecutions, all of which were awaiting formal hearing. No cases were awaiting Supreme Court decision.

In addition to the ODC's handling of complaint investigations and prosecutions, in 2002 its staff received 303 telephone, 92 written, and 7 walk-in inquiries from the public about potential complaints. ODC mailed 368 complaint packets and information forms.